

Remarks

Applicants would like to thank the examiner for the review of the present application. Claims 1-24 are currently pending in the application. As discussed in greater detail below, Applicants have amended claims 1, 3, 4, 6, 7, 21 and 23.

Claim Objections

The Office Action of April 18, 2007 objected to claims 6 and 7 for various informalities. Applicants have amended claims 6 and 7 to correct the informalities. In particular, Applicants have amended claim 6 to depend back to claim 1, and claim 7 to read “turbidity”.

Claim Rejections – 35 USC 112

The Office Action rejected claims 3 and 4 for lack of antecedent bases for the limitation “the at least one sensor.” Applicants have amended claims 3 and 4 to depend back to claim 2, which recites “at least one sensor.” Applicant believes that this rejection is now moot.

Claim Rejections – 35 USC 102

The Office Action of April 18, 2007 rejected claims 1-2, 11-13, and 21-23 under 35 USC 102(e) as being anticipated by US Patent Publication 2002/0024332 (Gardner, hereinafter “Gardner”).

Amended claim 1 now requires a monitoring system for distributed utilities having a generation device, an input sensor, an output sensor, a local controller, and a remote controller. The local controller concatenates the measured input and consumption of output on the basis of the input and output sensors. The remote controller modifies the operation of the generation device based on the concatenated input and consumption of output.

Gardner fails to teach a remote controller for modifying the operation of a generation device based on a concatenated input and output consumption, as required by amended claim 1. Instead, Gardner’s controller compares the momentary power output with a reference load capability and determines the ability to support additional load. Gardner’s controller is different from the remote controller required by claim 1 because Gardner fails to modify the operation of the generation device based on a concatenated input and output. Therefore, Applicants respectfully submit that amended claim 1 is allowable over Gardner. In addition, because a

dependent claim is deemed to include all limitations of its base claim and any intervening claim, Applicants respectfully submit that dependent claims 2 and 11-13 are also allowable over Gardner.

In a manner similar to amended claim 1, amended claims 21 and 23 also include a remote controller that modifies the operation of the generation device (or generators for claim 23) based on the measured input and output. Therefore, for the reasons stated above with regard to amended claim 1, Applicants respectfully submit that amended claims 21 and 23 are also allowable over Gardner. In addition, Applicants respectfully submit that claim 22, which depends from claim 21, is also allowable over Gardner.

The Office Action of April 18, 2007 also rejected claims 1, 5-7, and 9 under 35 USC 102(e) as being anticipated by US Patent 6,408,227 (Singhvi, hereinafter "Singhvi").

Although Singhvi discloses a controller unit, Singhvi's controller unit predicts treatment options based on the influent water quality. Singhvi's controller is different from the local controller of amended claim 1 because it does not concatenate an input and output. Additionally, Singhvi's controller differs from the remote controller because it does not modify the operation of a generation device based on the concatenated input and output. Therefore, Applicants respectfully submit that amended claim 1 is allowable over Singhvi. In addition, because a dependent claim is deemed to include all limitations of its base claim and any intervening claim, Applicants respectfully submit that dependent claims 5-7, and 9 are also allowable over Singhvi.

The Office Action of April 18, 2007 also rejected claim 24 under 35 USC 102 (e) as being anticipated by US Patent Publication 2005/0154499 (Aldridge, hereinafter "Aldridge").

Aldridge does not teach charging a user on the basis of an index of generator usage, as required by claim 24. All cost calculations in Aldridge are based on operational costs (e.g., the cost of fuel, financing costs, and maintenance costs), not the actual usage of the generator. In addition, to the extent that Aldridge measures usage, Aldridge uses these measurements to determine if additional generators are required. Aldridge does not charge based on any usage measurements. In fact, Aldridge fails to disclose charging the user on any basis. Therefore, Applicants respectfully submit that claim 24 is allowable over Aldridge.

Claim Rejections – 35 USC 103

As dependent claims of amended claim 1, any claim dependent on amended claim 1 include all of the limitations of amended claim 1 and any intervening claim. Therefore, all dependent claims rejected under 35 USC 103 are allowable over Singhvi alone, for at least the same reasons as discussed above for amended claims 1.

The Office Action of April 18, 2007 rejected claims 14-16 under 35 USC 103 (a) as being unpatentable over Singhvi in view of U.S. Patent No. 6,954,701 (Wolfe, hereinafter “Wolfe”).

Wolfe fails to teach the deficiencies of Singhvi. Although Wolfe involves water treatment, the Wolfe system simply collects localized data from sensors located at the equipment site, and transmits the collected data to an internet server computer 20 for remote viewing. Nowhere does Wolfe teach or suggest a remote controller that modifies the operation of a generation device based on the concatenated input and output, as required by claims 14-16. Therefore, since neither Singhvi nor Wolfe teach or suggest, alone or in combination, all limitations of claims 14-16, the combination cannot make the claims obvious.

The Office Action of April 18, 2007 also rejected claims 18-20 under 35 USC 103 (a) as being unpatentable over Singhvi in view of U.S. Patent No. 6,568,416 (Tucker, hereinafter “Tucker”).

To the extent that Tucker has a controller, the Tucker controller regulates the discharge pressure of an end-gun to adjust the throw radius. Tucker’s controller neither concatenates an input and output as required by the claimed local controller nor modifies the operation of a generation device based on the concatenated input and output, as required by the claimed remote controller. Therefore, since Tucker fails to teach the deficiencies of Singhvi and neither Singhvi nor Tucker teach or suggest, alone or in combination, all limitations of claims 18-20, the combination cannot make the claims obvious.

The Office Action of April 18, 2007 rejected claim 4 under 35 USC 103 (a) as being unpatentable over Singhvi in view of U.S. Patent Publication No. 2003/0220717 (Underwood, hereinafter “Underwood”).

To the extent that Underwood has a controller, Underwood controls and monitors flow of water through a water system. However, Underwood does not modify the operation of a generation device based on any concatenated input and output, in fact, Applicants can find no

teaching or suggestion in Underwood to concatenate the input with the consumed output, therefore, a fortiori, there can be no modification of operation on the basis of such a concatenation. Therefore, since neither Singhvi nor Underwood teach or suggest, alone or in combination, all limitations of claim 4, the combination cannot make the claims obvious.

The Office Action of April 18, 2007 rejected claim 3 and 8 under 35 USC 103 (a) as being unpatentable over Singhvi in view of U.S. Patent No. 5,808,277 (Dosani, hereinafter "Dosani").

Although Dosani is related to water treatment, it is relevant only to the extent that it monitors a temperature and has an auto-shut off feature. Nowhere does Dosani teach or suggest a remote controller that modifies the operation of a generation device based on a concatenated input and output, as required by claims 3 and 8. Therefore, since neither Singhvi nor Dosani teach or suggest, alone or in combination, all limitations of claims 3 and 8, the combination cannot make the claims obvious.

Lastly, the Office Action of April 18, 2007 rejected claim 10 under 35 USC 103 (a) as being unpatentable over Singhvi in view of U.S. Patent No. 6,108,685 (Kutzik, hereinafter "Kutzik").

Kutzik measures daily living activity and is relevant only to the extent that it has a remote controlled shut-off device. Nowhere does Kutzik teach or suggest a remote controller that modifies the operation of a generation device based on the concatenated input and output, as required by claim 10. Therefore, since neither Singhvi nor Kutzik teach or suggest, alone or in combination, all limitations of claim 10, the combination cannot make the claims obvious.

For the foregoing reasons all of the claims of the present invention are patentable over the art of record. It is believed that all of the claim rejections have been addressed and that the application is now in condition for allowance. Reconsideration of the claims and issuance of a notice of allowance are respectfully requested. If any matter arises which may expedite issuance of a notice of allowance, the Examiner is requested to call the undersigned, at the telephone number given below.

Applicants do not believe that an extension of time is required. However, if an extension of time is, in fact, required, Applicants request that the associated extension fee be charged to Deposit Account No. 19-4972. Applicants also request that any other fee required for timely consideration of this application be charged to Deposit Account No. 19-4972.

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